IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9014 OF 2005

Bachchan Singh ..Petitioner.

Vs.

The Secretary
Swami Vivekanand Education Society & Ors. ..Respondents.

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Mr. P.R. Arjunwadkar for the Petitioner.
Ms. Vaidehi Mhaispurkar, AGP for Respondent No.3.

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CORAM: DR. D.Y. CHANDRACHUD, J.

14th July, 2006.

P.C. :

The Petitioner was initially appointed as a temporary teacher in the primary section on 5th August, 1999. Subsequently the orders of temporary appointment were extended from year to year. The contention of the management is that the Petitioner was appointed on probation on 14th June, 2003 and the probationary appointment was terminated by an order of termination simpliciter. There were certain allegations against the Petitioner in regard to the collection of fees from students which were not remitted to the account of the management. The management decided not to hold

a disciplinary enquiry and to terminate his services. Counsel appearing for the Petitioner submitted that the probationary appointment was not served on the Petitioner. Even assuming that this be so, the Petitioner would then have not been entitled to continue since his appointment by the very nature was temporary. In the event that, as the management submitted before the Tribunal, the appointment was on probation, the order of probation was validly terminated by the management. Therefore from either perspective, no case for interference in the exercise of the supervisory jurisdiction is warranted. The Petition is dismissed.